

Summary of Proposed Rule Change

for
Arkansas Teacher Retirement System

RULE 13: ADMINISTRATIVE ADJUDICATIONS: STAFF DETERMINATIONS AND APPEALS

Rule 13 is a new rule at ATRS. The purpose of Rule 13 is to implement set rules of practice and procedure before ATRS and the Board of Trustees (“Board”) involving the formal adjudication of a member’s disputed claim. Rule 13 is to be read in conjunction with the Arkansas Administrative Procedures Act. *See* Ark. Code Ann §§ 25-15-201 to –219 (“APA”).

In summary, Rule 13 implements a tiered process for the adjudication of a member’s claim. At each stage of the process, the member may choose to appeal the decision to the next administrative level. The process ultimately results in a formal administrative adjudication by the Board.

The stages of the administrative adjudication process are summarized as follows:

- Issuance of a Staff Determination Letter;
- Issuance of Executive Director Review Letter;
- Formal evidentiary hearing before a Hearing Officer;
- Issuance of a written recommendation to the Board by the Hearing Officer;
- Final review by the Board and issuance of a formal order by the Board.

Pursuant to Rule 13, the final stage of the process results in the issuance of a written order by the Board, which includes findings of fact and conclusions of law. Such an order constitutes an administrative adjudication under the APA that may then be appealed by the member to the appropriate Circuit Court (should the member elect to do so).